

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

FILED

2009 MAY 21 PM 12:49

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

JOHNNY JONES,

Plaintiff,

V.

ALLSTATE INDEMNITY COMPANY,

Defendant.

Case No. 3 09 0457

US District Judge: JUDGE NIXON

US Magistrate Judge: _____

Jury Demand

NOTICE OF REMOVAL OF CIVIL ACTION

Comes now the Defendant, Allstate Indemnity Company (hereinafter referred to as "Allstate"), by and through counsel, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and hereby gives Notice of Removal of this Civil Action from the Circuit Court for Sumner County, at Gallatin, Tennessee, to the United States District Court for the Middle District of Tennessee, at Nashville, and states as follows:

1. On or about April 9, 2009, Plaintiff, Johnny Jones, filed a Complaint against Allstate Indemnity Company in the Circuit Court of Sumner County, Tennessee, at Gallatin, under Case Number 83CC1-2009-CV-391, (a copy of which is attached hereto as "Exhibit A").

2. On April 21, 2009, the Complaint was served upon Brenda C. Meade, Designated Agent for service of process, with the Tennessee Department of Commerce and Insurance. The Tennessee Department of Commerce and Insurance subsequently transferred a copy of the Complaint to Allstate Indemnity Company by and through C. T. Corporation out of Knoxville,

Tennessee. No proceedings on the Complaint have transpired in the Sumner County Circuit Court.

3. In a case such as this one, the U. S. District Court has jurisdiction "where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between – (1) citizens of different States;" 28 U.S.C. § 1332(a).

4. The Plaintiff, Johnny Jones, is, and was at all times relevant to this action, a resident and citizen of Sumner County, Tennessee.

5. Allstate Indemnity Company is incorporated in Northbrook, Illinois, with its principal place of business in Northbrook, Illinois, and is licensed and authorized to do business in the State of Tennessee.

6. The Complaint filed by Plaintiff, Johnny Jones, seeks damages related to the alleged breach of contract for insurance, calculated to constitute eighty-six thousand nine hundred sixty-six dollars (\$86,966.00); pre-judgment interest; post-judgment interest; attorney's fees; and all other damages as allowed by law; in significant excess of the sum or value of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

7. There is a complete diversity of citizenship between Plaintiff, Johnny Jones, and Defendant, Allstate Indemnity Company, and the amount in controversy in this case, exclusive of interest and costs, exceeds the Seventy-Five Thousand Dollar (\$75,000.00) threshold. This Court has original jurisdiction of this case pursuant to 28 U.S.C. § 1332.

8. Allstate Indemnity Company has filed a copy of this Notice with the Circuit Court for Sumner County, Tennessee, and has also served a copy on the attorney for the Plaintiff, Johnny Jones, that being Terrance E. McNabb.

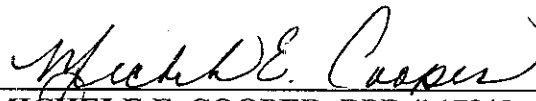
9. Counsel for Allstate Indemnity Company, Michele E. Cooper, is duly licensed to practice in the United States District Court for the Middle District of Tennessee, and is an attorney in Good Standing with the Middle District.

WHEREFORE, Defendant, Allstate Indemnity Company, requests this action be removed from the Circuit Court for Sumner County, Tennessee, to the United States District Court for the Middle District of Tennessee, at Nashville.

We respectfully demand a jury of six (6) to hear this matter.

Respectfully submitted,

MILLS & COOPER




MICHELE E. COOPER, BPR # 17312
5042 Thoroughbred Lane, Suite A
Brentwood, TN 37027
(615) 221-8218

ATTORNEY FOR DEFENDANT,
ALLSTATE INDEMNITY COMPANY

CERTIFICATE OF SERVICE

I hereby certify on this, the 21st day of May, 2009, a true and exact copy of the foregoing was sent via first class mail, postage prepaid, to the following:

Terrance E. McNabb, BPR#2592
Attorney at Law
James R. Omer & Associates
101 Church Street, Suite 400
Nashville, TN 37201



MICHELE E. COOPER